

REMARKS

The Examiner has rejected Claims 26-27, 31-34, and 48 under 35 U.S.C. 102(b) as being anticipated by Sieckert et al. (U.S. Patent No. 4,077,434). Further, the Examiner has rejected Claims 35-47 under 35 U.S.C. 102(b) as being anticipated by Dwyer (U.S. Patent No. 3,562,402). Applicant respectfully disagrees with such rejections.

With respect to independent Claim 26, the Examiner has relied on items 13, 14, 18, 19, 33, 55-58, 60, 62, and 63, in addition to Figure 7 from the Sieckert reference to make a prior art showing of applicant's claimed "coupling member for coupling a first section of trunking to a second section of trunking, the coupling member comprising: a body having first and second elongate members, the body defining first and second surfaces adapted to respectively engage a first flange on a first section of trunking and a second flange on a second section of trunking, and a third surface connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use; and at least one connecting member for joining distal ends of said first and second elongate members."

Applicant respectfully asserts that Sieckert discloses a coupling member (Figure 7) for coupling a first section of trunking (13) to a second section of trunking (14), the coupling member comprising a body having first and second elongate members (33 on 57 and 58), the body defining first and second surfaces (55) adapted to respectively engage a first flange (18) on a first section of trunking and a second flange (19) on a second section of trunking (14).

However, applicant respectfully asserts that the bottom section 56 is not a third surface connecting the first and second surfaces (collar member 55). With reference to Figure 7, it is clear that the two collar members 55 are connected to sections 57 and 58, and it is these two sections, not the collar members 55, that are connected by bottom section 56. Therefore, Sieckert fails to disclose applicant's claimed "third surface

connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use," as claimed by applicant.

Additionally, applicant asserts that portions 60, 62, and 63 are not connecting members for joining distal ends of the first and second elongate members (33 on 57 and 58). Clearly, with reference to Figure 7, sealing element 33 is fixably attached to sections 57 and 58. Further, applicant respectfully asserts that it is these sections 57 and 58 themselves, and not the sealing elements 33 attached to each section 57 and 58, which are joined together by being connected to section 56 using portions 60, 62, and 63. Thus, Sieckert fails to disclose applicant's claimed "at least one connecting member for joining distal ends of said first and second elongate members," as claimed by applicant.

Therefore, applicant respectfully asserts that the disclosure of Sieckert fails to anticipate Claim 26, as argued above.

With respect to independent Claim 35, the Examiner has relied on items 10, 27, 41, and 49 from the Dwyer reference to make a prior art showing of applicant's claimed "section of waterproof trunking comprising: a body portion defining at least one inlet for a cable, and having at least one aperture for allowing access to an inside of said body portion, wherein the or each said aperture is adapted to receive a respective cover device thereon; and a flange provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section."

Applicant respectfully asserts that Dwyer discloses a section of waterproof trunking (**elbow duct member 40**) comprising a body portion defining at least one inlet for a cable (**side openings**), and having at least one aperture (**continuous side opening 41**) for allowing access to an inside of said body portion. Further, Dwyer discloses that the aperture (41) is adapted to receive a respective cover device (**cover member 46**) thereon.

However, applicant asserts that Dwyer simply fails to suggest “a flange provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section,” as claimed. Applicant asserts that Dwyer simply discloses a flange (44, 45) provided on at least one inlet (side openings). However, as disclosed in Dwyer, the flange is adapted to engage a further trunking section and extends externally, not internally, to the opening (side opening) and therefore protrudes from the body of the section of waterproof trunking (40).

Thus, Dwyer fails to anticipate applicant’s claimed “section of waterproof trunking comprising: a body portion defining at least one inlet for a cable, and having at least one aperture for allowing access to an inside of said body portion, wherein the or each said aperture is adapted to receive a respective cover device thereon; and a flange provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section,” as claimed by applicant.

In the Office Action mailed 07/07/2008, the Examiner has argued that “Dwyer discloses a flange 27 provided on at least one respective inlet (the left inlet side of 41), extending internally thereof (27 extends internally) and adapted to engage at least one further trunking section (27 engages portion 16 of trunking section 10).”

Applicant respectfully disagrees and asserts that Dwyer discloses a section of waterproof trunking comprising a body portion (41) having at least one aperture (**top**) for allowing access to an inside of the body portion, wherein the or each said aperture is adapted to receive a respective cover device (49) thereon. However, the body portion (41) in Dwyer simply fails to suggest applicant’s claimed “body portion defining at least one inlet for a cable, and having at least one aperture for allowing access to an inside of said body portion” (emphasis added), as claimed by applicant.

Further, applicant asserts that if the opening 41 in duct member 40 (Figure 2) is viewed as either an inlet or an aperture, then the duct member has only a single opening 41, which simply fails to even suggest “body portion defining at least one inlet for a

cable, and having at least one aperture for allowing access to an inside of said body portion" (emphasis added), as claimed by applicant.

Additionally, applicant asserts that Dwyer discloses an internally extending flange (27) adapted to engage at least one further trunking section (10). However, the flange (27) in Dwyer is provided on the at least one aperture (top), which fails to suggest applicant's claimed "flange provided on at least one respective said inlet" (emphasis added), as claimed by applicant.

Therefore, applicant respectfully asserts that the disclosure of Dwyer fails to anticipate Claim 35, as argued above.

With respect to independent Claim 43, the Examiner has relied on items 10, 27, 40, and 41 from the Dwyer reference to make a prior art showing of applicant's claimed "section of waterproof trunking comprising: a body portion having at least one inlet for a cable, wherein at least one inlet comprises a respective open channel; and a respective flange extending inwardly of at least one said channel and adapted to fixably engage at least one further trunking section" (as amended).

Applicant respectfully asserts that Dwyer discloses a section of waterproof trunking comprising a body portion (40) having at least one inlet for a cable, wherein at least one inlet comprises a respective open channel (41) and a respective flange (27) extending inwardly of at least one said channel and adapted to engage at least one further trunking section (10). Additionally, applicant asserts that with reference to Figure 2 of Dwyer, the two duct members 10 and 40 are connected to each other by externally extending flanges 11 and 45, and the flanges 27 of duct member 40 engage, but are not connected to, duct member 10. In addition, applicant asserts that the internally extending flanges 27 of duct member 40 engage, but are not fixably engaged with, duct member 10.

Thus, Dwyer fails to anticipate applicant's claimed "section of waterproof trunking comprising: a body portion having at least one inlet for a cable, wherein at least

one inlet comprises a respective open channel; and a respective flange extending inwardly of at least one said channel and adapted to fixably engage at least one further trunking section" (emphasis added), as claimed by applicant.

Therefore, applicant respectfully asserts that the disclosure of Dwyer fails to anticipate Claim 43, as argued above.

With respect to independent Claim 48, the Examiner has relied on items 10, 13, 14, 16, 18, 22, 23, 30b, 33, 33 on 53, 47, 53, and 55 from the Sieckert reference to make a prior art showing of applicant's claimed "trunking system comprising: at least one first section of waterproof trunking having a body portion having at least one inlet for a cable, wherein at least one inlet comprises a respective open channel, and a respective flange extending inwardly of at least one said channel and adapted to engage at least one further trunking section; at least one respective lid for covering said channel; and at least one coupling member for coupling said first section of trunking to a second section of trunking, the coupling member having a body having first and second elongate members, the body defining first and second surfaces adapted to respectively engage a first flange on a first section of trunking and a second flange on a second section of trunking, and a third surface connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use, and at least one connecting member for joining distal ends of said first and second elongate members."

Applicant respectfully asserts that the that Sieckert discloses a trunking system comprising at least one first section of waterproof trunking (13) having a body portion with at least one inlet for a cable, wherein at least one inlet comprises a respective open channel (16), and a respective flange (18) extending inwardly of at least one said channel, and adapted to engage at least one further trunking section (14). Further, Sieckert discloses at least one respective lid (23) for covering the channel (16) and, at least one coupling member (Figure 5) for coupling said first section of trunking (13) to a second section of trunking (14), the coupling member having a body having first and second

elongate members (33), the body defining first and second surfaces (55) adapted to respectively engage a first flange (18) on a first section of trunking (13) and a second flange (18) on a second section of trunking (14).

However, applicant respectfully asserts that sealing element 33 is not a third surface connecting the first and second surfaces (**collar members 55**). Referring to Figure 5, it is clear that sealing element 33 is fixably attached to the outside surfaces of opposing side walls 51 and 52. Further, applicant asserts that the collar members 55 are illustrated to extend from each side wall in the opposite direction to the side of each side wall to which sealing element 33 is attached. Clearly, the sealing element 33 therefore is not in contact with either collar member 55 and is not able to be construed as a surface connecting the two collar members. Thus, Sieckert fails to disclose applicant's claimed "third surface connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking in use," as claimed by applicant.

Additionally, applicant asserts that rib 22 and groove 30b are not at least one connecting member for joining distal ends of the first and second elongate members (33). Further, applicant asserts that the rib 22 is in trunking section 14 (Figure 1) and the groove 30b is in collar member 10 (Figure 1). Clearly, the rib 22 and groove 30b are adapted to join the trunking section 14 and collar member 10, as in Sieckert, which simply fails to disclose applicant's claimed "at least one connecting member for joining distal ends of said first and second elongate members" (emphasis added), as claimed by applicant.

Therefore, applicant respectfully asserts that the disclosure of Sieckert fails to anticipate Claim 48, as argued above.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628,

631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference excerpt(s), as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. UDL1P016).

Respectfully submitted,
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